

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

-v-

MANHATTAN COLLEGE,

Defendant.

23 Civ. 1791 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On March 2, 2023, this Court was assigned this matter, in which plaintiff John Doe brings claims against defendant Manhattan College of unlawful discrimination in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.* He alleges that Manhattan College, due to, *inter alia*, gender bias, failed to conduct an impartial investigation of a complaint brought against him by fellow undergraduate Jane Roe, which accused him of sexual assault. *See* Dkt. 1 (“Complaint”). The Complaint also claims a breach of various contracts by Manhattan College.

This order addresses Doe’s motion for emergency relief, filed alongside his Complaint. Doe seeks a temporary restraining order and a preliminary injunction (1) enjoining Manhattan College from enforcing its February 14, 2023 decision to expel Doe, a senior at the college; and (2) permitting Doe to continue in his classes this term. Dkt. 5 at 1. Doe also seeks a protective order allowing him to proceed under a pseudonym in this litigation and to prohibit Manhattan College from publicly identifying Doe by his true name in court filings or otherwise. *See* Dkt. 7.

The Court appreciates the need to resolve with dispatch Doe’s request for emergency relief. However, the Court is also mindful that there are multiple interests at stake and that

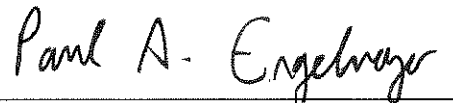
Manhattan College has a different perspective on the underlying events and the legality of its disciplinary measures towards Doe. *See* Dkt. 19 at 1 (letter from Manhattan College, not consenting to entry of temporary relief). The Court accordingly will resolve the request for emergency relief on an adversarial, and not an *ex parte*, basis, but will do so with urgency.

Specifically, the Court orders the following:

1. Counsel for both parties are to appear for a hearing on the application for emergency relief before the United States District Court for the Southern District of New York, located at 40 Foley Square, New York, NY 10007, Courtroom 1305 on **Tuesday, March 7, 2023, at 2 p.m.** The Court advises counsel that it envisions the hearing as consisting substantially of arguments by counsel as to the application of the injunctive factors. For the purpose of Tuesday's hearing, the Court does not invite or anticipate hearing live testimony from witnesses. The Court will receive the facts from the written materials that accompanied Doe's submission, *see, e.g.*, Dkts. 5-1, 5-2, 5-3, 5-4, 5-6, 5-7, and those accompanying Manhattan College's forthcoming submission. In the event the Court determines that testimony is necessary to reliably resolve the application for emergency relief, such will be scheduled promptly.
2. Manhattan College is directed to file a written response to Doe's motion by **Monday, March 6, 2023, at 5 p.m.** As publicly filed, this may be filed in redacted form in recognition of the privacy interests at stake. Manhattan College is directed at the same time to deliver two hard copies, unredacted, of its submission to the Court at 40 Foley Square.
3. Doe, by **Friday, March 3, 2023, at 5 p.m.**, is to deliver two hard copies, unredacted, of its submission, to the Court at 40 Foley Square.

4. Manhattan College is to promptly notify Jane Roe and her counsel, if so retained and known to Manhattan College, of this pending matter, and to provide her with a copy of this order. The Court encourages counsel for Jane Roe to attend the March 7, 2023 hearing, insofar as the Court may have questions for Roe's counsel with respect to aspects of the application for emergency relief.
5. Doe's motion to proceed under pseudonym in this matter is granted, pending the hearing scheduled for March 7, 2023, at which point the Court will invite brief argument on this issue, if Doe's request is opposed. By **March 3, 2023, at 5 p.m.**, Doe is to file under seal, with the Court, a letter identifying him by name, so as to assure, *inter alia*, the absence of any conflicts presented by the Court's presiding over this case.
6. To assure that Doe's educational interests are not unnecessarily compromised during the period before his motion for emergency relief is resolved, the Court directs that Manhattan College, at its election, either (a) permit him to attend classes remotely, or (b) preserve in video- or audio-graphic recorded form, his classes, and arrange for the prompt provision of these recordings to him.
7. Given the expedited nature of this proceeding, the Court is emailing this order to counsel of record. It will be filed on the docket of this case forthwith.

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge

Dated: March 2, 2023  
New York, New York